BETHELL PLEA NOT ALLOWED

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Prosecutor's Fee Issue Won't Be Reviewed

The Louisiana Supreme Court Thursday refused to review the question of whether a special prosecutor's fee should be set in advance for the trial of Thomas Bethell, former aide to District Attorney Jim Garrison.

Bethell is charged with making Clay Shaw trial memorandum and materials available to Shaw's lawyers.

Criminal District Court Judge Matthew S. Braniff has ordered the recusal of Garrison in the case, and appointed Robert J. Zibilich as temporary district attorney to try it.

Asserting that as long as Garrison has power over the payment of Zibilich for his duties, there is a semblance of his control remaining, Bethell's attorney, Herbert J. Garon, said in his motion.

Judge Braniff denied the motion, and the court in effect upheld his ruling.

The Supreme Court said the showing made by Garon does not warrant the exercise of its supervisory power.

It said on motion of the special district attorney and approval by a Criminal District Court judge, the fees and expenses of the prosecution are payable from a fund established by authority of Section 571:11 of Title 15 of the Revised Statutes of Louisiana.